

The summary proceedings prescribed by the act of 1833, ch. 181, are not applicable to mortgages of moneyed securities and bank stock.

The statement verified by affidavit directed by the 3d section of the act of 1833, ch. 181, to be filed, may be filed at any time before the sale.

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[The bill in this case was filed for an injunction restraining execution of a decree of this court for the sale of certain mortgaged property, passed under the provision of the act of 1833, ch. 181, the mortgage having been executed with reference to that act. Part of the property so mortgaged was devised by the will of William Abbott, in trust, to permit Elizabeth B. Abbott to take the rents and profits thereof during her widowhood, and after her death or marriage, in trust for the complainant, Mrs. Cronise, and, on certain contingencies, over to other persons. The residue of said property was devised by John E. Stansbury, the father of the said Elizabeth B. Abbott, in trust, to permit said Elizabeth to take the rents and profits during her life, and after her death, in trust for her children, of whom the complainant was one. The other facts of the case are sufficiently stated in the opinion of the Chancellor, delivered upon the hearing of the motion to dissolve the injunction upon bill and answer.]

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THE CHANCELLOR:

This case is brought before the court upon a motion to dissolve the injunction, and has been argued by the counsel of the respective parties.

It appears that on the 29th of September, 1847, a mortgage was executed by Elizabeth B. Abbott and William H. V. Cronise and Mary O. G., his wife, to the defendants, Clark & Mankin, to secure to the latter the sum of nine thousand dollars, due them from the firm of William H. V. Cronise & Co., of which firm the mortgagor, William, was a member.

The mortgaged premises consist of real estate and ground rents in the city of Baltimore, bank stock and moneys, secured on mortgage, and the condition of the mortgage was that the same should be void, provided the debt thereby intended to be secured should be paid in twelve equal installments, at stipulated periods.